

RETURN

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PENSION REGULATIONS WITH AMENDMENTS AND AS AMENDED TO FEBRUARY 28, 1917, WITH COPIES OF ORDERS IN COUNCIL.

SCHEDULE—PENSION REGULATIONS.

1. There shall be a Commission to be known as the Board of Pension Commissioners for Canada, consisting of three members appointed by the Governor in Council (hereinafter called the Commission). Each Commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor in Council, for cause, and a Commissioner, on the expiration of his term of office, shall be eligible for reappointment. The Commissioners may, from time to time, elect one of their number to be chairman of the Commission.

2. Subject to the regulations hereinafter set out, the Commission shall have exclusive jurisdiction and authority to consider and make all grants and payments of military and naval pensions, and of gratuities, allowances and assistance to persons wounded, injured or incapacitated in the military or naval service of Canada (hereinafter called members of the forces), or to their dependant relatives, and shall have exclusive jurisdiction and authority to deal with all matters pertaining to such pensions, gratuities, allowances and assistance.

3. The Commission shall have authority to engage such clerical and other assistance as they may consider requisite for the transaction of their duties, and at such salaries as may be approved by the Governor in Council.

4. In the administration of their powers by the Commission great care shall be taken to insure all applications being considered and determined with the utmost despatch.

5. There shall be no appeals from the decisions of the Commission, but every applicant for a pension, gratuity, allowance or assistance may present his or her case either personally or by counsel before the full Commission sitting for the purpose of hearing the complaints of those who may have been dissatisfied with decisions given in the ordinary course of administration.

6. The pension or other grant awarded any member of the forces, or any dependant of such member, shall not be assigned, charged, attached, anticipated or commuted, nor shall any assignment, charge, attachment, anticipation or commutation be recognized in any way by the Commission or any officer or servant of the Crown.

7. All pensions awarded to members of the forces shall be determined by the disability of the applicant without reference to his occupation prior to enlistment.

8. Each case shall be subject to review at the end of a year from the time when the pension is first granted, except in those cases where the disability is obviously permanent, and then there shall be no further review.

9. No deduction shall be made from the amount awarded to any pensioner owing to his having undertaken work or perfected himself in some form of industry.

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10. The Commission shall make provision for the vocational training of those who are desirous of taking advantage of it, and for the supplying, from time to time, of artificial limbs and appliances to those who would thereby be benefited.

11. The Commission shall have power to entrust to a reputable person for administration the pension or other grant to any pensioner or beneficiary, when the Commission is satisfied that it is being improvidently expended by the pensioner or beneficiary, and the expense of such administration, if any, shall be borne by the Crown.

12. The following shall be the scale of pensions for total disability:—

	Yearly.
Rank and file.. . . .	\$ 480 00
Squad, Battery or Company Sergt.-Major.. . . .	510 00
" " " Quartermaster Sergeant.. . . .	
Colour Sergeant.. . . .	
Staff "	620 00
Regimental Sergt.-Major not W.O..	
Master Gunner not W.O..	
Regimental Quartermaster Sergeant.. . . .	680 00
Warrant Officer.. . . .	
Lieutenant.. . . .	720 00
Captain.. . . .	1,000 00
Major.. . . .	1,260 00
Lieutenant-Colonel.. . . .	1,560 00
Colonel.. . . .	1,890 00
Brigadier-General.. . . .	2,700 00

13. Those who are entitled to be awarded pensions shall be divided into six classes, and each member of each class shall be awarded a pension in direct proportion to his partial or total disability, as follows:—

Class 1—Total disability, 100 per cent.

For example—Loss of both eyes.

Loss of both hands, or all fingers and thumbs.

Incurable tuberculosis.

Loss of both legs, at or above knee joint.

Insanity.

Permanent extreme leakage of valves of heart.

Class 2—Disability, 80 per cent and less than 100 per cent—pension, 80 per cent of Class 1.

For example—Loss of one hand and one foot.

Loss of both feet.

Disarticulation of leg at hip.

Class 3—Disability, 60 per cent and less than 80 per cent—pension, 60 per cent of Class 1.

For example—Loss of one hand.

Loss of leg at or above knee.

Loss of tongue.

Loss of nose.

Class 4.—Disability, 40 per cent and less than 60 per cent

For example—Loss of one eye.

Loss of one foot.

Total deafness.

Loss of two thumbs.

Class 5—Disability, 20 per cent and less than 40 per cent—pension, 20 per cent of Class 1.

For example—Loss of one thumb.

Anchylosis of elbow, knee, shoulder, wrist or ankle.

Class 6—Disability under 20 per cent, a gratuity not exceeding \$100.

For example—Total deafness in one ear.

Partial deafness in both.

Loss of index or other finger.

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14. To those, up to and including the rank of lieutenant, who are totally disabled and in addition are totally helpless so far as attendance to their physical wants are concerned, a further allowance may be made of an amount not exceeding \$250 a year, but such special allowance shall be subject to annual review.

15. Those, up to and including the rank of lieutenant, who are disabled and are entitled to a pension in the first, second or third class shall be paid, in addition to the personal pension, a special allowance of \$6 a month for each child; of the rank of captain, \$7 a month for each child; of the rank of major, \$8 a month for each child; of the rank of lieut.-colonel, colonel or brigadier-general, \$10 a month for each child. Child shall include a step-child and also a child in respect of whom the pensioner was *loco parentis*, but in either case only if the relation had been established before the pensioner's disability arose.

16. If a member of the forces has been killed, or has died as the result of injuries received, or disease contracted or aggravated while on active service, the widow, until remarriage shall be entitled to the equivalent of the pensions mentioned in Class 2, and also be entitled to draw the allowance for children. On the remarriage of the widow her pension shall cease, but she shall be entitled then to a gratuity of an amount equivalent to one year's pension.

17. If a member of the forces who has been killed, or had died, as a result of injuries received, or disease contracted or aggravated while on active service, was a widower, but leaves a child or children as defined in Regulation 15, said child or children shall receive an allowance of \$12 per month each.

18. In the event of an application being made for a pension on behalf of a woman who has, without being married to a member of the forces, lived with him as his wife, or on behalf of the child or children of any such man or woman, the Commission shall be authorized to grant the customary pension and allowances for a wife or for a child or children, on being satisfied that the circumstances were such as to warrant the conclusion that the woman had at the time of enlistment and for a reasonable time previously thereto, publicly, been represented as the wife of said member, or if the Commission is satisfied that justice would be done by the recognition of such woman, for the purpose of a pension, as the wife of such member. On the marriage of the woman her pension shall cease but she shall be entitled to a gratuity of an amount equivalent to one year's pension.

19. No allowance shall be paid to or in respect of any child, if a boy, over the age of sixteen, or a girl over the age of seventeen, unless owing to mental or physical infirmity the child is incapable of earning a livelihood, in which case the allowance may, if in the discretion of the Commission it seems best, be continued until the child is twenty-one. No allowance shall be paid in respect of a child after the marriage of such child.

20. No pension or allowance shall be paid to a member of the forces or any person dependant upon him when the disability or death in respect of which the claim is made was occasioned by the negligence of such member, unless the Commission otherwise consents.

21. In all cases the claims by members of the forces for pensions must be made within two years of the date of the appearance of the disability in respect of which the claim is made.

22. A widowed mother, step-mother or grandmother wholly or mainly dependant upon a member of the forces who is killed or dies as the result of injuries received, or disease contracted or aggravated while on active service, if such member was without dependant children and unmarried, or a widower, shall be entitled to a pension of Class 3, provided, however, that no such woman shall be entitled to more than one pension. On the marriage of the woman such pension shall cease, but she shall be entitled then to a gratuity of an amount equivalent to one year's pension.

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23. A father, wholly or mainly dependant upon a son who is a member of the forces and who is killed or dies as the result of injuries received or disease contracted or aggravated while on active service, if such member was without dependant children and unmarried, or a widower, shall be entitled to a pension of Class 3.

24. If a member of the forces to whom a pension has been granted in either Class 1 or in Class 2 dies, leaving a wife to whom he was married at the time of his incurring the disability in respect of which his pension was granted, or a woman occupying at said time the position of a wife within the purview of Regulation 18, or leaving children by such wife or woman, the pension for the class next below that granted the said member shall be given said wife or woman, and the allowance on behalf of any child or children shall be continued subject to the restrictions as to age as provided by Regulation 19. On the marriage of the wife or woman her pension shall cease, but she shall be entitled then to a gratuity equivalent to one year's pension.

25. Pensions to widows and allowances to children shall take effect from the day following that on which the death of the members of the forces in respect of whom said pension is granted occurred, and a gratuity equivalent to two months' pension, or two months' allowance, shall be paid the first month in addition to the pension.

26. Subject to the approval of the Governor in Council the Commission may make such rules as it deems necessary for carrying out these regulations and the other duties assigned to it.

27. These regulations shall only apply to or in respect of members of the forces serving in the Canadian Expeditionary forces during the present war; and shall be deemed to have come into force on the Fourth day of August, 1914, and shall apply to or in respect of all casualties occurring in the said forces since the said fourth of August.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

H.Q. 1064-7-3.

AT THE GOVERNMENT HOUSE AT OTTAWA,

SATURDAY, the 3rd day of June, 1916.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council, under all powers and authorities enabling him, is pleased to enact and make and doth hereby enact and make the Regulations in the Schedule herewith respecting pensions to be granted to officers and men disabled or partially disabled while serving in the military and naval forces of Canada; or the dependants of such officers and men should they be killed on active service, which regulations were contained in the report of the Special Committee of the House of Commons appointed at the recent session of Parliament to consider the question of what pensions should be granted to officers and men of the military and naval forces of Canada.

His Royal Highness the Governor General in Council is further pleased to order that this Order in Council be substituted for Order in Council, P.C. 289, of the 29th April, 1915.

RODOLPHE DOUDREAU,

Clerk of the Privy Council.

The Honourable,

The Minister of Militia and Defence.

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P.C. 1567.

H.Q. 1064-7-3.

INSANE SOLDIERS.

AT THE GOVERNMENT HOUSE AT OTTAWA,

THURSDAY, the 13th day of July, 1916.

PRESENT:

THE DEPUTY OF HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

Whereas under the new Pension Regulations permanent insanity is treated as a total disability, a lunatic soldier being entitled to a pension of \$480 a year or such larger sum as his rank entitled him to, but no provision is made with respect to the manner in which the pension is to be paid:—

Therefore the Deputy of the Governor General in Council is pleased to make the following additional regulation and the same is hereby made and established accordingly, viz:—

28. Where a pension is awarded to a member of the forces in consequence of his insanity, if the pensioner is in an asylum or other institution the cost of his maintenance therein shall be paid to the Superintendent or other proper officer of the asylum or other institution and the balance of such pension shall be paid to such dependant relative or relatives of the pensioner as the commissioners may direct, and if there is no dependant relative, such balance shall be retained until the pensioner's recovery or his death. If a pensioner is not in an asylum or other institution but remains in the care of the family, the whole of his pension may be paid to such member of his family as the commissioners may direct, or part of the pension may be paid to such member of his family and the balance retained until the pensioner's recovery or death. Provided, however, that if a guardian of the pensioner has been appointed by any court of competent jurisdiction the pensioners may direct that the pension be paid to such guardian.

RODOLPHE DOUDREAU,

Clerk of the Privy Council.

P.C. 1679.

AT THE GOVERNMENT HOUSE AT OTTAWA,

THURSDAY, the 15th day of July, 1916.

PRESENT:

THE DEPUTY OF HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

The Deputy of the Governor General in Council is pleased to order and it is hereby ordered as follows:—

Clause 12 of the new Schedule of Pensions which formed part of the Order in Council, dated 3rd June, 1916 (P.C. 1334), is amended by providing the Sergeants in the Canadian Overseas Expeditionary Forces shall be granted the same rate of Pension as that therein authorized for Squadron, Battery or Company Sergeant-Major, viz., \$510 per annum.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

The Board of Pension Commissioners
for Canada.

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P.C. 2080.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor General on the 1st September, 1916.

The Committee of the Privy Council, on the recommendation of the Right Honourable the Prime Minister, advise, with reference to the Pension Regulations, sanctioned by the Order in Council of the 3rd June, 1916, as amended by the Order in Council of the 16th June, 1916, that John K. L. Ross, Esquire, of the City of Montreal, Colonel Robert H. Labatt, of the City of Hamilton, and Major John L. Todd, of the City of Ottawa, be appointed the Pension Commissioners to constitute the Commission provided for by the said regulations, and that the said John K. L. Ross shall be the Chairman.

The committee, on the recommendation, further advise that a commission under the Great Seal shall issue to each of the said commissioners appointing him a member of the commission, provided, however, that the appointments herein recommended shall have effect only on, from and after the 11th day of September, 1916.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

The Board of Pension Commissioners.

P.C. 2270.

AT THE GOVERNMENT HOUSE AT OTTAWA,

SATURDAY, the 23rd day of September, 1916.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council is pleased to order and it is hereby ordered as follows:—

The pension Regulations enacted and made by Order in Council dated the 3rd June, 1916 (P.C. 1334), are amended by adding thereto the following regulations which are hereby made and enacted:—

30. In any case of matter in which the commission desires the approval of, or to report to, the Governor in Council, such report shall be made through the Minister of Finance.

31. The commission shall, at the end of each month, submit to the Minister of Finance a report in writing of their proceedings and of the pensions, gratuities, allowances and other grants made by the said commission during each month, and such reports shall be laid before Parliament by the Minister of Finance.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

The Honourable the Minister of Militia and Defence.

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P.C. 2442.

AT THE GOVERNMENT HOUSE AT OTTAWA,

WEDNESDAY, the 11th day of October, 1916.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council is pleased to order that Order in Council P.C. 1334, dated 3rd June, 1916, establishing rates of pensions for the Military and Naval Forces of Canada, shall be and the same is hereby amended so as to cancel Order in Council P.C. 1712 of the 21st July, 1915, establishing Naval rates of pensions.

His Royal Highness in Council is further pleased to order that the following paragraphs in the Schedule Pension Regulations attached to Order in Council P.C. 1334 shall be and the same are hereby amended to read as follows:—

12. The following shall be the scale of pensions for total disability:—

	Yearly.
All ratings below Petty Officer (Naval)	\$ 480 00
Rank and file (Militia)	480 00
Chief Petty Officer and Petty Officer (Naval)	510 00
Squad, Battery or Company Sergt.-Major (Militia)	
“ “ “ Quartermaster Sergeant (Militia)	
Colour-Sergeant (Militia)	
Staff-Sergeant	510 00
Sergeants (Militia)	

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Naval Cadet and Midshipman (Naval)	620 00
Regimental Sergt.-Major not W.O. (Militia)	
Master Gunner not W.O. (Militia)	
Regimental Quartermaster Sergeant (Militia)	
Warrant Officer (Naval and Militia)	680 00
Sub-Lieutenant (Naval)	720 00
Lieutenant (Militia)	720 00
Lieutenant (Naval)	1,000 00
Captain (Militia)	1,000 00
Lieutenant-Commander (Naval)	1,260 00
Major (Militia)	1,260 00
Commander (Naval)	1,560 00
Lieutenant-Colonel (Militia)	1,560 00
Captain (Naval)	1,890
Colonel (Militia)	1,890
Commodore (Naval)	2,700 00
Brigadier-General (Militia)	2,700 00
Flag Officers specially considered.	

14. To those, up to and including the rank of Sub-Lieutenant (Naval) or Lieutenant (Militia), who are totally disabled and in addition are totally helpless so far as attendance to their physical wants is concerned, a further allowance may be made of an amount not exceeding \$250 a year, but such special allowance shall be subject to annual review.

15. Those up to and including the rank of Sub-Lieutenant (Naval) and Lieutenant (Militia), who are disabled and are entitled to a pension in the 1st, 2nd or 3rd class shall be paid, in addition to the personal pension, a special allowance of \$6 a month for each child; of the rank of Lieutenant (Naval) and Captain (Militia) \$7 a month for each child; of the rank of Lieutenant-Commander (Naval) and Major (Militia) \$8 a month for each child; of the rank of Commander, Captain, or Commodore (Naval) and Lieut.-Colonel, Colonel or Brigadier-General (Militia), \$10 a month for each child. Child shall include a step-child and also a child in

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respect of whom the pensioner was in *loco parentis* but in either case only if the relation had been established before the pensioner's disability arose.

27. These regulations shall only apply to or in respect of members of the Naval Forces of Canada and of the forces serving in the Canadian Expeditionary Forces during the present war; and shall be deemed to have come into force on the fourth day of August, 1914, and shall apply to or in respect of all casualties occurring in the said forces since the said fourth day of August.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

P.C. 2489.

AT THE GOVERNMENT HOUSE AT OTTAWA,

THURSDAY, the 12th day of October, 1916.

PRESENT:

HIS EXCELLENCY THE DEPUTY GOVERNOR GENERAL IN COUNCIL.

Whereas by Order in Council P.C. 289 of 29th April, 1915, Pensions and Gratuities and the scale thereof, were authorized and established for officers and men of the Militia and their dependants;—

And whereas by Order in Council P.C. 887 of 29th April, 1915, the scale of Pensions thus authorized for Militia Officers and men and their dependants was made applicable to the officers, non-commissioned officers and soldiers of the Canadian Overseas Expeditionary Force and their dependants;

And whereas by Order in Council P.C. 1334 of 3rd June, 1916, new Pension Regulations were made for the officers and men of the Canadian Overseas Expeditionary Force, and the last-mentioned Order in Council, through apparent inadvertence, was substituted for and cancelled Order in Council P.C. 289 of 29th April, 1915, which related to officers and men of the Active Militia, instead of substituting it for and cancelling, as was intended, Order in Council P.C. 887 of 29th April, 1915, which relates solely to the Canadian Overseas Expeditionary Force;

And whereas there is now no provision for granting pensions and gratuities to officers and men of the Canadian Militia.

Therefore His Excellency the Deputy Governor General in Council is pleased to order as follows:—

The Order in Council of 3rd June, 1916 (P.C. 1334), is hereby amended by striking out therefrom the letters and figures "P.C. 289" and substituting therefor the letters and figures "P.C. 887".

The Order in Council of the 29th April, 1915 (P.C. 289), is hereby re-enacted, subject to the provision that the regulations made thereunder shall not extend to or apply to persons serving in the Canadian Expeditionary Forces during the present war.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

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P.C. 277.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 30th January, 1917.

The Committee of the Privy Council have had before them a report, dated 24th January, 1917, from the Minister of Militia and Defence, stating that the terms of a proposal made by the British Government regarding pensions of officers or their dependents are as follows:—

In case of those who have been lent for service in the field, each Government shall undertake full pension liability for its own officers; that is to say in respect of the service of Canadian officers loaned to the British Forces or British officers loaned to the Canadian Forces in the field, such service shall be treated so far as pensions are concerned as if it had been with the officer's own home forces.

The Minister submits that such proposal has been referred to the Canadian Board of Pension Commissioners which is in favour of its adoption.

A similar proposal was made by the Commonwealth of Australia in respect of the exchange of officers between their forces and the Imperial forces and has been adopted by both Governments.

The Minister, therefore, recommends that the Order in Council of 13th October, 1916, providing "that Canada should bear her proportionate share of the service pension or widows' pension at the ordinary rate and in addition the excess of war over peace charges" be cancelled and that the later proposal of the British Government that each Government should pay pensions of its own officers, irrespective of their service with the other, be adopted instead.

The Committee concur in the foregoing recommendation and submit the same for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

P.C. 508.

AT THE GOVERNMENT HOUSE AT OTTAWA,

SATURDAY, the 24th day of February, 1917.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

His Excellency the Governor General in Council is pleased to order and it is hereby ordered that the last paragraph (4) of Order in Council P.C. 2890 passed on the 6th day of January, 1916, which reads:—

"In cases where an Officer, non-commissioned Officer or man is reported 'missing' Assigned Pay to continue to be paid for a period not exceeding three months, and Separation Allowance for a period not exceeding six months from the date the Officer, Non-commissioned Officer or man was reported 'missing.' Pension to start from the date the assigned pay and allowances cease. For example—a man is reported missing on the 1st October, 1915, both Assigned Pay and Separation Allowance would continue to be paid until 31st December, 1915, and Separation Allowance only up to 31st January, 1916. Then when there has been official acceptance of the death, pension would start from 1st January, 1916."

be cancelled.

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His Excellency the Governor General in Council is further pleased to make the following regulations governing the Issue of Pay, Allowances and Pension to or in respect of Officers, Non-Commissioned Officers and men invalided, killed in action, dying on Active service, or reported "missing", to be put into force forthwith, and cancelling all previous regulations on the subject in conflict therewith, and the same are hereby made and established accordingly:—

1. Soldiers invalided,—

(a) All invalided soldiers shall receive pay and allowances until discharged from the Canadian Expeditionary Force.

(b) No invalided soldier shall be discharged from the Canadian Expeditionary Force until a Board of Medical Officers has certified that further treatment or hospital care will not improve his condition, or that it is advisable that he should pass under his own control.

(c) When a Board of Medical Officers has recommended discharge on account of physical unfitness, discharge shall not be carried out until a notification has been received from the Board of Pension Commissioners by the Officer Commanding the soldier, that a pension of an amount stated, commencing on a day fixed, will be forwarded to an address named. The said officer commanding shall, thereupon, complete the discharge as from the day immediately preceding the day fixed. If no pension is to be awarded, the Board of Pension Commissioners shall notify the said officer commanding and discharge, post-dated fifteen days, shall be carried out immediately, provided that the Officer Commanding the Discharge Depot at Quebec, St. John or Halifax may carry out discharge of a man returned from overseas when a Board of Medical Officers has certified that no pensionable disability exists, in which case discharge shall be post-dated fifteen days.

(d) When a soldier who has served as a member of the Canadian Expeditionary Force and has been discharged subsequently requires treatment for a disability which is certified by a Board of Medical Officers to have been caused or aggravated by service, the Board of Medical Officers may recommend his reattestation as a member of the Canadian Expeditionary Force. If such recommendation is acted upon he shall be placed on pay and allowances from the date of his reattestation, his pension, if any, being cancelled from such date. Payment of pension covering a period subsequent to the date of reattestation shall be deducted from his pay and allowances and shall be repaid to the Board of Pension Commissioners by the authority making such deduction. The officer commanding the unit in which a pensioner is reattested shall immediately notify the Board of Pension Commissioners of the date of his reattestation. When a pensioner has been reattested he shall be regarded as a new case in so far as discharge and pension are concerned and the usual procedure followed.

(e) The regulation under which a man discharged for pension is given thirty days' pay and allowances in advance is hereby cancelled.

2. Soldiers killed in action. Dying on active service or reported "missing."

(a) *Without Dependants.*—All pay and allowances shall stop from the date of death or from the date upon which the soldier was in fact "missing."

(b) *With Dependants.*—All pay and allowances, except assigned pay and separation allowance, shall stop from the date of death or from the date upon which the soldier was in fact "missing," but assigned pay and separation allowance shall be paid monthly thereafter to the dependant until such time as the pension is ready for issue. The Board of Pension Commissioners shall notify the Separation Allowance and Assigned Pay Branch of the Militia Department that a pension of an amount stated, commencing on a day fixed, will be forwarded to an address named, and Assigned Pay and Separation Allowance shall cease on the day immediately preceding the day

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fixed. If no pension is to be awarded the Board of Pension Commissioners shall notify the said Separation Allowance and Assigned Pay Branch and Assigned Pay and Separation Allowance shall be immediately discontinued. If it is made to appear that the proofs necessary to lead to the granting of a pension are being unreasonably delayed, the Board of Pension Commissioners may direct that Assigned Pay and Separation Allowance shall stop.

For the purpose of ascertaining whether Assigned Pay and Separation Allowance are to be discontinued or continued after the date of the casualty, the word "dependants" shall be taken to mean those in receipt of Separation Allowance.

Pensions which may be awarded to persons respecting whom Assigned Pay or Separation Allowance has been stopped after the date of the casualty, or to whom no Assigned Pay or Separation Allowance has been paid, shall take effect from the date upon which the death occurred or from the date assumed to be the date of death for official purposes in the case of those reported "missing."

In the event of a casualty with respect of a soldier without dependants not being reported in time to stop the Assigned Pay cheque for the then current month being issued any overpayment shall be recovered whenever possible, and so also with regard to the personal pay and allowances of officers which are deposited at their credit at the Bank of Montreal, London, England.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

P.C. 573.

AT THE GOVERNMENT HOUSE AT OTTAWA,

MONDAY, the 5th day of March, 1917.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Board of Pension Commissioners has organized a department called the Investigation Department for the purpose of visiting all pensioners once a year and for the purpose of investigating and reporting upon claims and statements made by applicants for pension or by pensioners;

And whereas it is considered desirable to empower visitors of this Investigation Department to administer an oath and to take evidence on affidavit;

Therefore His Excellency the Governor General in Council, pursuant to the War Measures Act, is pleased to order and it is hereby ordered as follows:—

The Pension regulations enacted and made by the Order in Council of the 3rd June, 1916 (P.C. 1334) are amended by adding thereto the following regulation which is hereby made and enacted:—

32. The Commission shall have authority and jurisdiction to appoint a person or persons to hear and receive evidence with respect of all matters pertaining to military or naval pensions and such person or persons shall have power during such appointment to administer an oath and to hear and receive evidence upon affidavit in any part of Canada.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

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P.C. 843.

AT THE GOVERNMENT HOUSE AT OTTAWA,

THURSDAY, the 29th day of March, 1917.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

His Excellency the Governor General in Council is pleased to order that Order in Council of the 24th February, 1917 (P.C. 508), shall be and the same is hereby amended as follows:—

That wherever the words “soldiers” or “men” appear therein, the following words be inserted in substitution therefor: “Officers, Nursing Sisters, Non-commissioned Officers or men.”

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

The Board of Pension Commissioners for Canada.

BOARD OF PENSION COMMISSIONERS FOR CANADA.

PENSION REGULATIONS.

As amended to February 28, 1917.

1. There has been a Commission to be known as the Board of Pension Commissioners for Canada, consisting of three members appointed by the Governor in Council (hereinafter called the Commission). Each Commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor in Council, for cause, and a Commissioner, on the expiration of his term of office, shall be eligible for reappointment. The Commissioners may, from time to time, elect one of their members to be chairman of the Commission.

2. Subject to the regulations hereinafter set out, the Commission shall have exclusive jurisdiction and authority to consider and make all grants and payments of military and naval pension, and of gratuities, allowances and assistance to persons wounded, injured or incapacitated in the military or naval service of Canada (hereinafter called members of the forces), or to their dependant relatives, and shall have exclusive jurisdiction and authority to deal with all matters pertaining to such pensions, gratuities, allowances and assistance.

3. The Commission shall have authority to engage such clerical and other assistance as they may consider requisite for the transaction of their duties, and at such salaries as may be approved by the Governor in Council.

4. In the administration of their powers by the Commission, great care shall be taken to insure all applications being considered and determined with the utmost despatch.

5. There shall be no appeals from the decisions of the Commission, but every applicant for a pension, gratuity, allowance or assistance may present his or her case either personally or by counsel before the full Commission sitting for the purpose of hearing the complaints of those who may have been dissatisfied with decisions given in the ordinary course of administration.

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6. The pension or other grant awarded any member of the forces, or any dependant of such member, shall not be assigned, charged, attached, anticipated or commuted, nor shall any assignment, charge, attachment, anticipation or commutation be recognized in any way by the Commission or any officer or servant of the Crown.

7. All pensions awarded to members of the forces shall be determined by the disability of the applicant without reference to his occupation prior to enlistment.

8. Each case shall be subject to review at the end of a year from the time when the pension is first granted, except in those cases where the disability is obviously permanent, and then there shall be no further review.

9. No deduction shall be made from the amount awarded to any pensioner owing to his having undertaken work or perfected himself in some form of industry.

10. The Commission shall make provision for the vocational training of those who are desirous of taking advantage of it, and for the supplying, from time to time, of artificial limbs and appliances to those who would thereby be benefited.

11. The Commission shall have power to entrust to a reputable person for administration the pension or other grant to any pensioner or beneficiary when the Commission is satisfied that it is being improvidently expended by the pensioner or beneficiary, and the expense of such administration, if any, shall be borne by the Crown.

12. The following shall be the scale of pensions for total disability:—

	Yearly.
All ratings below Petty Officer (Naval)	\$ 480 00
Rank and file (Militia)	480 00
Chief Petty Officer and Petty Officer (Naval)	
Squad, Battery or Company Sergt.-Major (Militia)	510 00
“ “ “ Quartermaster Sergeant (Militia)	
Colour-Sergeant (Militia)	
Staff-Sergeant	620 00
Sergeants (Militia)	
Naval Cadet and Midshipman (Naval)	
Regimental Sergt.-Major not W.O. (Militia)	680 00
Master Gunner not W.O. (Militia)	
Regimental Quartermaster-Sergeant (Militia)	
Warrant Officer (Naval and Militia)	720 00
Sub-Lieutenant (Naval)	720 00
Lieutenant (Militia)	1,000 00
Lieutenant (Naval)	1,000 00
Captain (Militia)	1,260 00
Lieutenant Commander (Naval)	1,260 00
Major (Militia)	1,560 00
Commander (Naval)	1,560 00
Lieutenant-Colonel (Militia)	1,890 00
Captain (Naval)	1,890 00
Colonel (Militia)	2,700 00
Commodore (Naval)	2,700 00
Brigadier-General (Militia)	
Flag Officers specially considered.	

13. Those who are entitled to be awarded pensions shall be divided into six classes, and each member of each class shall be awarded a pension in direct proportion to his partial or total disability, as follows:—

- Class 1—Total disability, 100 per cent.
For example—Loss of both eyes.
Loss of both hands, or all fingers and thumbs.
Incurable tuberculosis.
Loss of both legs, at or above knee joint.
Insanity.
Permanent extreme leakage of valves of heart.
- Class 2—Disability, 80 per cent and less than 100 per cent—pension, 80 per cent of Class 1.
For example—Loss of one hand and one foot.
Loss of both feet.
Disarticulation of leg at hip.

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Class 3.—Disability, 30 per cent and less than 40 per cent—pension, 30 per cent of Class 1.

For example—Loss of one hand.
Loss of leg at or above knee.
Loss of tongue.
Loss of nose.

Class 4.—Disability, 40 per cent and less than 60 per cent.

For example—Loss of one eye.
Loss of one foot.
Total deafness.
Loss of two thumbs.

Class 5.—Disability, 20 per cent and less than 40 per cent—pension, 20 per cent of Class 1.

For example—Loss of one thumb.
Anchylosis of elbow, knee, shoulder, wrist or ankle.

Class 6.—Disability under 20 per cent, a gratuity not exceeding \$100.

For example—Total deafness in one ear.
Partial deafness in both.
Loss of index or other finger.

14. To those up to and including the rank of Sub-Lieutenant (Naval) or Lieutenant (Militia) who are totally disabled and in addition are totally helpless, so far as attending to their physical wants is concerned, a further allowance may be made of an amount not exceeding \$250 a year, but such special allowance shall be subject to annual review.

15. Those, up to and including the rank of Sub-Lieutenant (Naval) and Lieutenant (Militia) who are disabled and are entitled to a pension in the 1st, 2nd or 3rd class shall be paid, in addition to the personal pension, a special allowance of \$6 a month for each child of the rank of Lieutenant (Naval) and Captain (Militia), \$7 a month for each child; of the rank of Lieutenant-Commander (Naval), and Major (Militia), \$8 a month for each child; of the rank of Commander, Captain or Commodore (Naval), and Lieut.-Colonel, Colonel or Brigadier-General (Militia), \$10 a month for each child. "Child" shall include a step-child and also a child in respect of whom the pensioner was in *loco parentis* but in either case only if the relation has been established before the pensioner's disability arose.

16. If a member of the forces has been killed, or has died as the result of injuries received, or disease contracted or aggravated while on active service, the widow, until remarriage, shall be entitled to the equivalent of the pension mentioned in Class 2, and also be entitled to draw the allowance for children. On the remarriage of the widow her pension shall cease, but she shall be entitled then to a gratuity of an amount equivalent to one year's pension.

17. If a member of the forces who has been killed, or had died, as the result of injuries received, or disease contracted or aggravated while on active service, was a widower, but leaves a child or children as defined in Regulation 15, said child or children shall receive an allowance of \$12 per month each.

18. In the event of an application being made for a pension on behalf of a woman who has, without being married to a member of the forces, lived with him as his wife, or on behalf of the child or children of any such man or woman, the Commission shall be authorized to grant the customary pension and allowance for a wife or for a child or children, on being satisfied that the circumstances were such as to warrant the conclusion that the woman had at the time of enlistment and for a reasonable time previously thereto, publicly been represented as the wife of said member, or if the Commission is satisfied that justice would be done by the recognition of such woman, for the purpose of a pension, as the wife of such member. On the marriage of the woman her pension shall cease but she shall be entitled to a gratuity of an amount equivalent to one year's pension.

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19. No allowance shall be paid to or in respect of any child, if a boy, over the age of sixteen, or a girl over the age of seventeen, unless owing to mental or physical infirmity the child is incapable of earning a livelihood, in which case the allowance may, if in the discretion of the Commission it seems best, be continued until the child is twenty-one. No allowance shall be paid in respect of a child after the marriage of such child.

20. No pension or allowance shall be paid to a member of the forces or any person dependant upon him when the disability or death in respect of which the claim is made was occasioned by the negligence of such member, unless the Commission otherwise consent.

21. In all cases the claims by members of the forces for pensions must be made within two years of the date of the appearance of the disability in respect of which the claim is made.

22. A widowed mother, step-mother or grandmother, wholly or mainly dependant upon a member of the forces who is killed or dies as the result of injuries received or disease contracted or aggravated while on active service, if such member was without dependant children and unmarried, or a widower, shall be entitled to a pension of Class 3, provided, however, that no such woman shall be entitled to more than one pension. On the marriage of the woman such pension shall cease, but she shall be entitled then to a gratuity of an amount equivalent to one year's pension.

23. A father, wholly or mainly dependant upon a son who is a member of the forces and who is killed or dies as the result of injuries received or disease contracted or aggravated while on active service, if such member was without dependant children and unmarried, or a widower, shall be entitled to a pension of Class 3.

24. If a member of the forces to whom a pension has been granted in either Class 1 or in Class 2 dies, leaving a wife to whom he was married at the time of his incurring the disability in respect of which his pension was granted, or a woman occupying at said time the position of a wife within the purview of Regulation 18, or leaving children by such wife or woman, the pension for the class next below that granted the said member shall be given said wife or woman, and the allowance on behalf of any child or children shall be continued subject to the restrictions as to age as provided by Regulation 19.

On the marriage of the wife or woman her pension shall cease, but she shall be entitled then to a gratuity equivalent to one year's pension.

25. Pensions to widows and allowances to children shall take effect from the day following that on which the death of the member of the forces in respect of whom said pension is granted occurred, and a gratuity equivalent to two months' pension, or two months' allowance, shall be paid the first month in addition to the pension.

26. Subject to the approval of the Governor in Council the Commission may make such rules as it deems necessary for carrying out these regulations and the other duties assigned to it.

27. These Regulations shall only apply to or in respect of members of the Naval Forces of Canada and of the forces serving in the Canadian Expeditionary Forces during the present war; and shall be deemed to have come into force on the fourth day of August, 1914, and shall apply to or in respect of all casualties occurring in the said forces since the said fourth day of August.

28. Where a pension is awarded to a member of the forces in consequence of his insanity, if the pensioner is in an asylum or other institution the cost of his maintenance therein shall be paid to the Superintendent or other proper officer of the asylum or other institution and the balance of such pension shall be paid to such dependant relative or relatives of the pensioner as the Commissioners may direct, and if there is no dependant relative, such balance shall be retained until the pensioner's recovery or

his death. If a pensioner is not in an asylum or other institution but remains in the care of the family, the whole of his pension may be paid to such member of his family as the Commissioners may direct, or part of the pension may be paid to such member of his family and the balance retained until the pensioner's recovery or death. Provided, however, that if a guardian of the pensioner has been appointed by any court of competent jurisdiction the pensioners may direct that the pension be paid to such guardian.

29. No section.

30. In any case or matter in which the Commission desires the approval of, or to report to, the Governor in Council, such report shall be made through the Minister of Finance.

31. The Commission shall, at the end of each month, submit to the Minister of Finance a report in writing of their proceedings and of the pensions, gratuities, allowances and other grants made by the said Commission during such month, and such reports shall be laid before Parliament by the Minister of Finance.

P.C. 277—January 30, 1917.

In case of those who have been lent for service in the field, each Government shall undertake full pension liability for its own officers; that is to say in respect of the service of Canadian Officers loaned to the British Forces or British Officers loaned to the Canadian Forces in the field such service shall be treated so far as pensions are concerned as if it had been with the officer's own home forces.

P.C. 508—February 24, 1917.

His Excellency the Governor General in Council is further pleased to make the following regulations governing the Issue of Pay, Allowances and Pension to or in respect of Officers, Non-Commissioned Officers and Men invalided, killed in action, dying on Active Service or reported "missing," to be put into force forthwith, and cancelling all previous regulations on the subject in conflict therewith, and the same are hereby made and established accordingly:—

1. Soldiers Invalided,—

(a) All invalided soldiers shall receive pay and allowances until discharged from the Canadian Expeditionary Force.

(b) No invalided soldier shall be discharged from the Canadian Expeditionary Force until a board of Medical Officers has certified that further treatment or hospital care will not improve his condition, or that it is advisable that he should pass under his own control.

(c) When a Board of Medical Officers has recommended discharge on account of physical unfitness, discharge shall not be carried out until a notification has been received from the Board of Pension Commissioners by the Officer Commanding the soldier, that a pension of an amount stated, commencing on a day fixed, will be forwarded to an address named. The said Officer Commanding shall, thereupon, complete the discharge as from the day immediately preceding the day fixed. If no pension is to be awarded, the Board of Pension Commissioners shall notify the said Officer Commanding and discharge, post-dated, fifteen days, shall be carried out immediately. Provided that the officer commanding the Discharge Depot at Quebec, St. John or Halifax may carry out discharge of a man returned from overseas when a Board of Medical Officers has certified that no pensionable disability exists, in which case discharge shall be post-dated fifteen days.

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(d) When a soldier who has served as a member of the Canadian Expeditionary Force and has been discharged subsequently requires treatment for a disability which is certified by a Board of Medical Officers to have been caused or aggravated by service, the Board of Medical Officers may recommend his reattestation as a member of the Canadian Expeditionary Force. If such recommendation is acted upon he shall be placed on pay and allowances from the date of his reattestation, his pension, if any, being cancelled from such date. Payment of pension covering a period subsequent to the date of reattestation shall be deducted from his pay and allowances and shall be repaid to the Board of Pension Commissioners by the authority making such deduction. The Officer Commanding the unit in which a pensioner is reattested shall immediately notify the Board of Pension Commissioners of the date of his reattestation. When a pensioner has been reattested he shall be regarded as a new case in so far as discharge and pension are concerned, and the usual procedure followed.

(e) The regulation under which a man discharged for pension is given thirty days' pay and allowances in advance is hereby cancelled.

2. Soldiers Killed in action.

Dying on Active Service or Reported "Missing."

(a) *Without Dependants.*—All Pay and Allowances shall stop from the date of death or from the date upon which the soldier was in fact "missing".

(b) *With Dependants.*—All pay and allowances, except Assigned Pay and Separation Allowances, shall stop from the date of death or from the date upon which the soldier was in fact "missing" but Assigned Pay and Separation Allowance shall be paid monthly thereafter to the dependant until such time as the pension is ready for issue. The Board of Pension Commissioners shall notify the Separation Allowance and Assigned Pay Branch of the Militia Department that a pension of an amount stated, commencing on a day fixed, will be forwarded to an address named, and Assigned Pay and Separation Allowance shall cease on the day immediately preceding the day fixed. If no pension is to be awarded the Board of Pension Commissioners shall notify the said Separation Allowance and Assigned Pay Branch and Assigned Pay and Separation Allowance shall be immediately discontinued. If it is made to appear that the proofs necessary to lead to the granting of a pension are being unreasonably delayed, the Board of Pension Commissioners may direct that Assigned Pay and Separation Allowance shall stop.

For the purpose of ascertaining whether Assigned Pay and Separation Allowance are to be discontinued or continued after the date of casualty, the word "dependants" shall be taken to mean those in receipt of Separation Allowance.

Pensions which may be awarded to persons respecting whom Assigned Pay or Separation Allowance has been stopped after the date of casualty, or to whom no assigned pay or Separation Allowance has been paid, shall take effect from the date upon which the death occurred or from the date assumed to be the date of death for official purposes in the case of those reported "missing".

In the event of a casualty with respect of a soldier without dependants not being reported in time to stop the Assigned Pay cheque for the then current month being issued, and overpayment shall be recovered whenever possible, and so also with regard to the personal pay and allowances of officers which are deposited at their credit at the Bank of Montreal, London, England.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

